

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

21-C-1038

To: **Mitchell J. Sherman**
W6508 Barkers Rd
Elkhorn, WI 53121

From: **Milwaukee Area Office**
310 West Wisconsin Ave
Suite 500
Milwaukee, WI 53203

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

443-2021-00583

Drake C. Van Thiel,
Investigator

(414) 662-3691**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: The EEOC will not proceed further with its investigation, and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Julianne Bowman

6/8/2021

Enclosures(s)

Julianne Bowman,
District Director

(Date Issued)

cc:

Conagra Foods, Inc.
c/o Laura Malugade
Husch Blackwell
511 N. Broadway, Suite 1100
Milwaukee, WI 53202

Department of Workforce Development
Equal Rights Division
819 N. 6th Street, Rm. 723
Milwaukee, WI 53203
Telephone: (414) 227-4384
Fax: (414) 227-4084



Tony Evers, Governor
Amy Pechacek, Secretary-designee

Date: February 18, 2021

21-C-1038

**NOTICE OF COMPLAINT
EEOC TO PROCESS INITIALLY**

CONAGRA FOODS INC
1 CONAGRA DR
OMAHA NE 68102

Re: Mitchell J Sherman v. Conagra Foods Inc
ERD Case No.: CR 202100340
EEOC Case No.: 443202100583C

To whom it may concern:

The enclosed charge of discrimination, which was originally filed with the Federal Equal Employment Opportunity Commission (EEOC), has also been filed with the State of Wisconsin Equal Rights Division (ERD).

The ERD and the EEOC have a work sharing agreement which covers the processing of complaints of discrimination that are prohibited under both federal law and the Wisconsin Fair Employment Law. The work sharing agreement provides that the agency which originally receives the complaint will process it first. Therefore, the ERD will take no action pending EEOC's processing of this complaint.

Please inform the ERD of any address changes. If you have any further questions regarding this case, contact the EEOC Office at 414-662-3680. Remember to have your EEOC case number ready for reference.

Sincerely,
Bureau of Investigations

cc: Complainant

21-C-1038

EEOC Form 5 (12/09)

202106340

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

443-2021-00583

WISCONSIN EQUAL RIGHTS DIVISION

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

MR. MITCHELL J SHERMAN

Home Phone

(262) 203-0247

Year of Birth

Street Address

City, State and ZIP Code

W6508 BARKERS RD, ELKHORN, WI 53121

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

CONAGRA FOODS INC

No. Employees, Members

501+

Phone No.

(262) 724-3266

Street Address

City, State and ZIP Code

1 CONAGRA DRIVE, OMAHA, NE 68102

Name

No. Employees, Members

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☐ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

 Earliest Latest
04-01-2020 08-14-2020
☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

In October 2019, I began my employment with Respondent in the position of Process Control Technician. During my employment, I was denied training and subjected to verbal harassment. In April 2020, I registered a complaint of harassment based on my disability with Respondent's Human Resources Department but it took no action on my complaint. During my employment, Respondent failed to provide me with a reasonable accommodation for my lifting restriction and required me to lift more than 15 pounds on numerous occasions. On August 14, 2020, I was discharged from my employment.

I believe Respondent discriminated against me on the basis of my sex (male non-heterosexual), disability and retaliated against me for opposing discriminatory treatment, in violation of Title VII of the Civil Rights Act of 1964, as amended and the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally signed by Mitchell Sherman on 02-17-2021
11:20 AM EST**

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)